

Independent educational evaluation means an evaluation conducted by a qualified examiner who is not employed by the public agency responsible for the education of the student in question.

The right to an independent educational evaluation assures:

- A. that upon requesting an IEE, information about where an independent evaluation may be obtained and the agency criteria applicable for independent educational evaluations will be given to parents.
- B. that parents have the right to an independent evaluation at public expense for any agency evaluation, or any component of that evaluation, with which the parents disagree. However, the local school district or responsible public agency may initiate a hearing as described in Regulation V.6. to show that the evaluation is appropriate or that the evaluation obtained by the parent did not meet agency criteria. If the final decision is that the evaluation is appropriate, the parents still have the right to an independent educational evaluation, but not at public expense.
 - 1) Public expense means that the public agency either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent.
- C. that parents cannot be required to notify the local school district or responsible public agency prior to obtaining an independent evaluation at public expense. However, it is reasonable for the district to request notification before such an evaluation is conducted. Likewise a parent cannot be required to explain why they object to the public evaluation, but it is reasonable for the district to ask why.
- D. that if the local school district or responsible public agency has a policy regarding reimbursement for independent evaluations, that policy will specify the factors to be considered in the determination of public funding for the evaluation. That determination should be based on:
 - 1) the qualifications and locations of the evaluators; and,
 - 2) the cost of the evaluation.

The public agency may only impose limitations on the cost of an IEE if the agency uses those same limitations when conducting an evaluation. If a public agency uses such cost limitations, it must ensure that its procedures require payment for an IEE at a higher rate if an appropriate IEE cannot, in light of the child's unique needs and other unique circumstances, be obtained within those cost limitations. If the cost of an IEE at public expense exceeds the agency's cost limitations, the public agency must either: (a) initiate a **due process** hearing [to show that the evaluation conducted by the public agency was appropriate;] or (b) pay [either] the full cost of the IEE[, or pay that portion of the cost that is within the limitations, if the public agency determines that an appropriate IEE could be obtained with the cost limitations and so inform the parents. In the context of an IEE, a public agency may initiate a due process hearing only to show that its evaluation was appropriate, not to challenge the cost of the IEE].

- E. that if the local school district or responsible agency has a policy regarding reimbursement for independent evaluations and that policy establishes allowable maximum charges for specific tests or types of evaluations, the maximum set will still enable parents to choose from among qualified professionals in the area and will result only in the elimination of excessive fees. The policy shall specify that